

COTTONWOOD HEIGHTS

RESOLUTION No. 2008-30

A RESOLUTION TENTATIVELY APPROVING
A PROPOSED AMENDED COMPENSATION SCHEDULE FOR ELECTIVE AND
STATUTORY OFFICERS; PROVIDING FOR PUBLIC INSPECTION OF
SUCH SCHEDULE; ESTABLISHING THE TIME AND PLACE OF
PUBLIC HEARING TO CONSIDER ADOPTION OF SUCH SCHEDULE;
AND PROVIDING FOR NEWSPAPER PUBLICATION
OF SUCH PUBLIC HEARING

WHEREAS, the UTAH CODE ANN. §10-3-118 allows a city's governing body to review or consider a salary schedule applicable to the city's officers for the purpose of determining whether or not it should be adopted following a public hearing; and

WHEREAS, at a regular session of the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") on 13 May 2008, the Council considered the amended compensation schedule for the City's elective and statutory officers that is attached hereto (the "*Schedule*"); and

WHEREAS, the Council desires to fully comply with the applicable statutory requirements regarding adoption of the Schedule; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to tentatively approve the Schedule pending final adoption after public hearing;

NOW, THEREFORE, BE IT RESOLVED that the city council of the city of Cottonwood Heights hereby (a) tentatively approves the Schedule; (b) orders that a public hearing (the "*Hearing*") concerning the Schedule be held on Tuesday, 17 June 2008, beginning at 7:00 p.m., or as soon thereafter as practical, at 1265 East Ft. Union Blvd., Suite 300, Cottonwood Heights, Utah, at which time all interested persons in attendance shall be given the opportunity to be heard, for or against, the Schedule; (c) orders that a copy of the Schedule be available for public inspection in the office of the acting recorder (the "*Recorder*") of the City at 1265 East Ft. Union Blvd., Suite 250, Cottonwood Heights, Utah for at least seven days prior to the Hearing; and (d) orders the Recorder to assure that notice of the Hearing be published at least seven days prior to the Hearing in at least one issue of a newspaper of general circulation published in Salt Lake County, Utah.

This Resolution, assigned no. 2008-30, shall take effect immediately upon passage as provided herein.

PASSED AND APPROVED this 13th day of May 2008.

COTTONWOOD HEIGHTS CITY COUNCIL



Linda W. Dunlavy
Linda W. Dunlavy, Recorder

By *Kelvin H. Cullimore, Jr.*
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Don J. Antczak	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Bruce T. Jones	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 13th day of May 2008.

RECORDED this 14 day of May 2008.

WST\CH\505101.1

COTTONWOOD HEIGHTS

AMENDED COMPENSATION SCHEDULE FOR ELECTIVE AND STATUTORY OFFICERS

The elective and statutory officers of Cottonwood Heights shall be compensated as follows (additions to the compensation schedule approved on 19 June 2007 pursuant to Ordinance No. 91 are shown in **bolded, underlined italics**; items omitted from such approved schedule are shown struck through):

Mayor and City Council

- (a) The annual salary of the mayor shall be \$18,000.
- (b) The annual salary of each city council member shall be \$12,000.
- (c) The mayor and members of the city council may elect to use their salary to participate in benefits offered by the city such as medical, dental and group life insurance and "Section 125 Plan" subject to the rules and regulations thereof. Non-contributory retirement benefits also shall be provided to the mayor and members of the city council.
- (d) The mayor and members of the city council also shall receive reimbursement for all reasonable expenses related to performance of their duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to §162 of the Internal Revenue Code of 1986, as amended.
- (e) Effective July 1st of each year, the annual salaries of the mayor and members of the city council shall be automatically granted a cost of living adjustment (a "COLA") by multiplying each such officer's annual salary specified above by a fraction, the numerator of which is the Consumer Price Index (defined below) **for the December 31st immediately preceding the July 1st effective date of such adjustment**, ~~for month of June 2005~~, and the denominator of which is the Consumer Price Index for **December 2005** ~~the January immediately preceding the July 1st effective date of such adjustment~~. If, for example, (a) an annual salary specified above is \$12,000, and (b) the Consumer Price Index for ~~June~~ **December** 2005 is 100, and (c) the Consumer Price Index for the month of **December** ~~January~~ 2006 is 103, then the COLA-adjusted annual salary for the period of 1 July 2006 through 30 June 2007 would be $\$12,000 \times 103/100 = \$12,360$. If the Consumer Price Index for the June immediately preceding any July 1st adjustment date is not then available, then city may at its option elect to use the then most recent Consumer Price Index until the Consumer Price Index for such June becomes available, at which time any under- or over-payment shall be reconciled.

As used herein, "Consumer Price Index" shall mean the "Consumer Price Index - U.S. City Average for All Items for All Urban Consumers (1982-84 = 100)" as published by the United States Department of Labor, Bureau of Labor Statistics. Should the Bureau of Labor Statistics discontinue the publication of said index, or publish the same less frequently, or alter the same in some other

manner, then city shall adopt a substitute index or substitute procedure which reasonably reflects and monitors consumer prices. Further, if the base year "1982-1984 = 100" or other base year used in computing the Consumer Price Index is changed, the figures used in computing the COLA shall be changed accordingly so that all increases in the Consumer Price Index are taken into account in computing the COLA notwithstanding any such change in the base year.

Manager

(a) The office of city manager shall be a full-time position. The annual salary of the manager shall be ~~\$95,000 - \$105,000~~ **\$100,000 - \$110,000**. The manager also shall be entitled to such discretionary, incentive bonuses as the city council may direct from time to time. As a salaried employee, the manager shall not be entitled to overtime pay.

(b) Benefits shall be provided to the manager for non-contributory retirement; and medical, dental, disability, group life and any other insurance coverage; and any other customary benefits, in the same manner, if any, provided to full-time city employees. If the manager declines, at the manager's option, health and dental insurance coverage at any time or from time to time, then city shall contribute to the manager's retirement account the equivalent of an additional \$1,000 per month (prorated for partial months) for each month that the manager declines health and dental insurance coverage and city thereby saves the premium cost of such insurance. Such retirement contribution shall be in addition to other retirement contributions made by city on the manager's behalf.

(c) Because the manager is required to be on-call 24 hours per day, seven days a week, the manager shall be provided with (1) a cell phone allowance to compensate the manager for use of the manager's personal cell phone for city business, or (b) the use of a city-owned cell phone. If the manager uses the manager's own cell phone, then city shall provide the manager with a cell phone allowance of \$100 per month or such larger amount as the manager may document from time to time in a specific reimbursement request. If city elects, at its option, to provide the manager with the use of a city-owned cell phone, then Manager shall not be entitled to a cell phone allowance for use of the manager's personal cell phone, and the manager's use of such city-provided cell phone shall be in accordance with applicable policies adopted by the city council for city-owned cell phones, including, without limitation, a reasonable reimbursement back to city for the manager's personal use of such cell phone.

(d) The manager also shall receive reimbursement for all reasonable expenses related to performance of his duties. Because the manager is required to be on-call 24 hours per day, seven days a week, the manager shall receive a ~~\$467.00~~ **\$486.00** per month vehicle allowance for use of the manager's private automobile in lieu of any right to reimbursement for automobile mileage incurred in city-related travel.

(e) City shall pay for the manager's travel and attendance at the ICCMA's annual conference, the UCMA annual conference, and the Utah League of Cities and Towns' annual conference in accordance with the travel policies approved from time to time by the city council. City also shall pay for the manager's attendance at other seminars, conferences and committee meetings as are approved in city's annual budget or as are authorized separately from time to time

by the city council.

Recorder

(a) The office of recorder shall be a full-time position. The annual salary of the recorder shall be ~~\$54,500 - \$64,500~~ **\$65,000 - \$75,000**. The recorder also shall be entitled to such discretionary, incentive bonuses as the manager may direct from time to time from amounts budgeted by the city council for employee bonuses.

(b) Benefits shall be provided to the recorder for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The recorder shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

Director of Finance

(a) The office of director of finance shall be a full-time position. The annual salary of the director of finance shall be \$70,000 - \$80,000. The director of finance also shall be entitled to such discretionary, incentive bonuses as the manager may direct from time to time from amounts budgeted by the city council for employee bonuses.

(b) Benefits shall be provided to the director of finance for non-contributory retirement and medical, dental, disability and group life insurance in the same manner, if any, provided to full-time city employees.

(c) The director of finance shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

Treasurer / Budget Officer

(a) The office of Treasurer / Budget Officer will be a part-time position, which may be performed on either an employment or a independent contractor arrangement. The annual salary of the treasurer / budget officer shall be ~~\$50,000 - \$60,000~~ **\$55,000 - \$65,000**.

(b) If performing as an independent contractor, the treasurer / budget officer may elect to use his salary to participate in benefits offered by the city such as medical, dental and group life insurance and "Section 125 Plan" subject to the rules and regulations thereof. If performing as an employee, benefits shall be provided to the treasurer / budget officer for non-contributory retirement and disability in the same manner, if any, provided to similarly-situated city employees.

(c) The treasurer / budget officer shall also receive reimbursement for all reasonable

expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

Attorney

(a) The office of city attorney will be a part-time position performed on a contract basis. The city attorney shall be compensated pursuant to an annual fee agreement approved by resolution of the city council.

(b) The city attorney shall also receive reimbursement for all reasonable expenses related to performance of his duties, including but not limited to mileage allowance in the same amount allowed by the Internal Revenue Service pursuant to § 162 of the Internal Revenue Code of 1986.

General

The compensation paid hereunder shall commence effective 1 July ~~2007~~ 2008; shall be subject to any and all applicable payroll taxes and withholdings; and shall be paid in accordance with the city's payroll procedures and practices adopted from time to time.